

**These charges are only allegations which  
may be contested by the licensee in an  
Administrative hearing.**

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

AJAY KIRI, M.D.

STATEMENT

OF

CHARGES

Ajay Kiri, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 4, 2011, by the issuance of license number 259884 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent treated Patient A, for pain, from in or about August 2012 through in or about October 2013. (Patient names are listed in the attached Appendix.)

Respondent's care deviated from minimally accepted standards of care in that he:

1. Failed to:
  - a. Perform an adequate and thorough diagnostic assessment, and/or
  - b. Recognize and/or address drug-seeking behavior, and/or
  - c. Arrange a consult for the patient with an addiction specialist, psychiatrist and/or orthopedist, and/or
  - d. Wean the patient or assist the patient into a detox program, and/or
  - e. Maintain an accurate record of the care and treatment of the patient.
2. Inappropriately prescribed numerous narcotics and benzodiazepines.

B. Respondent treated Patient B, for pain, from in or about September 2012 through in or about July 2013. Respondent's care deviated from minimally accepted standards of care in that he:

1. Failed to:
  - a. Perform an adequate and thorough diagnostic assessment, and/or
  - b. Recognize and/or address drug-seeking behavior, and/or
  - c. Refer the patient to an addiction specialist and/or psychiatrist, and/or
  - d. Maintain an accurate record of the care and treatment of the patient.
2. Inappropriately prescribed numerous narcotics.

C. Respondent treated Patient C, for pain, from in or about September 2012 through in or about November 2013. Respondent's care deviated from minimally accepted standards of care in that he:

1. Failed to:
  - a. Perform an adequate and thorough diagnostic assessment, and/or
  - b. Recognize and/or address drug-seeking behavior, and/or
  - c. Refer the patient to an addiction specialist and/or psychiatrist, and/or
  - d. Wean the patient or assist the patient into a detox program, and/or
  - e. Maintain an accurate record of the care and treatment of the patient.
2. Inappropriately prescribed numerous narcotics and benzodiazepines.

D. Respondent treated Patient D, for pain, from in or about May 2013 through in or about November 2013. Respondent's care deviated from minimally accepted standards of care in that he:

1. Failed to:
  - a. Perform an adequate and thorough diagnostic assessment, and/or
  - b. Recognize and/or address drug-seeking behavior, and/or
  - c. Refer the patient to a psychologist, orthopedist and/or nutritionist, and/or
  - d. Wean the patient or assist the patient into a detox program, and/or
  - e. Maintain an accurate record of the care and treatment of the patient.

2. Inappropriately:

- a. prescribed numerous narcotics, benzodiazepines, and phentermine, and/or
- b. Injected the patient's knee, and/or
- c. Subjected the patient to risk with numerous needle sticks.

### **SPECIFICATION OF CHARGES**

#### **FIRST THROUGH FOURTH SPECIFICATIONS**

#### **NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of:

1. Paragraph A and its subparagraphs.
2. Paragraph B and its subparagraphs.
3. Paragraph C and its subparagraphs.
4. Paragraph D and its subparagraphs.

## **FIFTH SPECIFICATION**

### **INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of:

5. Paragraph A and its subparagraphs and/or Paragraph B and its subparagraphs and/or Paragraph C and its subparagraphs and/or Paragraph D and its subparagraphs.

## **SIXTH THROUGH NINTH SPECIFICATIONS**

### **UNWARRANTED TESTS/TREATMENT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(35) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient, as alleged in the facts of:

6. Paragraph A and A(2).
7. Paragraph B and B(2).
8. Paragraph C and C(2).
9. Paragraph D and D(2).

TENTH THROUGH THIRTEENTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

10. Paragraph A and A(1)(e).
11. Paragraph B and B(1)(d).
12. Paragraph C and C(1)(e).
13. Paragraph D and D(1)(e).

DATE: February 2, 2019  
New York, New York



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Henry Weintraub  
Chief Counsel  
Bureau of Professional Medical Conduct